



Jeremiah W. (Jay) Nixon, Governor • Kip A. Stetzler, Acting Director

# DEPARTMENT OF NATURAL RESOURCES

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Public Record

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

**COPIING FEE WAIVED**

**Re: Missouri Central Railroad Company -- Abandonment Exemption -- in Cass County, Missouri [STB Docket No. AB-1068X]**

228167

Dear Ms. Brown:

This Notice of Interim Trail Use ("NITU") request is filed on behalf of the Missouri Department of Natural Resources, hereinafter referred to as "Proponent".

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright exempted abandonment authorization between railroad milepost 257.283 and milepost 262.906 in Cass County, Missouri. It is Proponent's understanding that no fee is required as this request is for public use.

## **A. Request For Public Use Condition**

Proponent asks the Surface Transportation Board ("STB") to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the exempted abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that this corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans.

The time period sought is 180 days from the effective date of the exempted abandonment authorization. Proponent needs this much time to complete a trail plan and finalize negotiations with the Missouri Central Railroad Company ("MCRR") on the terms and conditions of the interim trail use.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

**B. Request For Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for rail-banking. In addition to the public use conditions sought above, Proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail-banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, Proponent is willing to indemnify MCRR against any potential liability and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by MCRR.

The right-of-way is subject to a railroad exempted abandonment proceeding in STB Docket No. AB-1068X. A map depicting the right-of-way is attached.

Proponent acknowledges that use of the right-of-way is subject to the user's continued obligation to meet its responsibilities described above and is subject to possible future reconstruction and reactivation of the right-of-way for rail service as allowed under statute.

By my signature below, I certify service upon MCRR, by U.S. Mail, postage pre-paid, first class, this 8th day of November, 2010.

Respectfully submitted,

DEPARTMENT OF NATURAL RESOURCES



Mary Moulton Bryan  
R.E. Manager/Attorney, Division of State Parks

Enclosure

c: Sandra Brown, Thompson Hine LLC  
Bill Bryan, Director, DSP  
Dan Paige, DSP/OD  
Jane Lale, DSP/P&D

